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Attorneys for Defendant,
SANDISK CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PNY TECHNOLOGIES, INC.,

Plaintiff,

vs.

SANDISK CORPORATION,

Defendant.

Case No.: C-11-04689 WHO

**STIPULATED REQUEST FOR ORDER
MODIFYING PRETRIAL SCHEDULE**

Pursuant to Local Rules 6-2 and 7-12, Plaintiff PNY Technologies, Inc. (“PNY”), and Defendant SanDisk Corporation (“SanDisk”), by and through their respective counsel of record, hereby stipulate to and respectfully request that the Court enter an order extending certain case management deadlines.

The primary basis for this request is that the parties recently completed a trial in their state court matter in Santa Clara County (*SanDisk Corporation v. PNY Technologies, Inc.*, Superior Court of California, County of Santa Clara, Case No. 1:11-cv-205928). Trial proceedings began on January 28, 2014 and the jury returned its verdict on March 10, 2014. The state court trial took longer than the parties expected and disrupted the parties’ ability to complete discovery in accordance with the prior case management order. In addition, post-trial proceedings are likely to consume additional time over the next several weeks.

In addition, SanDisk’s Motion to Dismiss PNY’s Second Amended Complaint is scheduled to be heard on April 9, 2014, and the Court’s ruling on this motion may affect discovery in this case.

Accordingly, the parties propose the following changes to the Court’s November 19, 2013 case management order:

<u>Event</u>	<u>Current Date</u>	<u>Proposed Modified Date</u>
Discovery cutoff:	April 18, 2014	June 24, 2014
Expert disclosure:	May 23, 2014	July 31, 2014
Expert rebuttal:	June 20, 2014	September 1, 2014
Expert discovery cutoff:	July 18, 2014	September 24, 2014
Motions heard by:	October 8, 2014	November 12, 2014

Prior time modifications in this case consist of (a) the November 3, 2011 Stipulation and Order providing SanDisk with additional time to respond to PNY’s complaint, so that SanDisk’s response was due on November 9, 2011, (b) the November 16, 2011 Stipulation and Order setting an extended briefing schedule and hearing date on SanDisk’s motion to dismiss PNY’s original

1 complaint, and (c) the May 16, 2012 Order extending the time for PNY to file its First Amended
2 Complaint, (d) the July 19, 2012 Order modifying the briefing schedule with respect to SanDisk's
3 Motion to Dismiss the First Amended Complaint, and (e) the Court's November 19, 2013 Order
4 modifying the pretrial schedule.

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7 DATED: March 18, 2014

ARNOLD & PORTER LLP

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9 By: /s/ Daniel B. Asimow
10 DANIEL B. ASIMOW

11 Attorneys for Plaintiff
12 PNY TECHNOLOGIES, INC.

13 DATED: March 18, 2014

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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15 By: /s/ James P. Schaefer
16 JAMES P. SCHAEFER

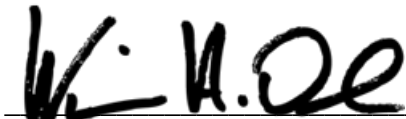
17 Attorneys for Defendant
18 SANDISK CORPORATION
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ORDER

The Court will hold a Case Management Conference after the hearing on SanDisk's Motion to Dismiss PNY's Second Amended Complaint on April 9, 2014 to modify the case management schedule. It is not necessary to file a Joint Case Management Statement unless there are additional issues the parties would like to bring to the Court's attention. In light of the verdict in the Superior Court of California, County of Santa Clara, I would agree to adjust the schedule as requested by the parties. However, before setting new dates, I would like to talk with the parties about (i) the effect on the schedule, if any, that my ruling on the motion will have, (ii) what impact the verdict has on the mediation or other resolution of the case, and (iii) the need to set a new trial date to accommodate the revised case management schedule. If the proposed schedule becomes the final schedule, I would continue the trial until February 17, 2015, assuming that date is convenient to counsel, to allow three months from the last day to hear dispositive motions until the trial.

IT IS SO ORDERED.

March 19, 2014



WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE